

Norman C. Plotkin, LA Bar #18011
 Jackson & Hertogs, LLP
 170 Columbus Avenue, Fourth Floor
 San Francisco, CA 94133-5160
 Telephone: (415) 986-4559
 Fascimile: (415) 986-1871

Attorney for Plaintiffs

99
 FILED
 DEC 12 PM 2:00
 U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

HONG WANG,

Plaintiff,

vs.

MICHAEL MUKASEY, Attorney General Of the
 United States; MICHAEL CHERTOFF, Secretary of the
 Department of Homeland Security; EMILIO
 GONZALEZ, Director, United States Citizenship and
 Immigration Services; ROBERT MUELLER, Director
 of the Federal Bureau of Investigation, United States
 Department of Justice; ROSEMARY MELVILLE,
 District Director of United States Citizenship and
 Immigration Services, Department of Homeland
 Security; UNITED STATES DEPARTMENT OF
 JUSTICE; UNITED STATES DEPARTMENT OF
 HOMELAND SECURITY; UNITED STATES
 FEDERAL BUREAU OF INVESTIGATION;
 DEPARTMENT OF JUSTICE; UNITED STATES
 CITIZENSHIP AND IMMIGRATION SERVICES,

Defendants.

Case No. 07-16
 PETITION FOR REVIEW OF
 APPLICATION FOR NATURALIZATION
 PURSUANT
 TO INA §336(b)

SI

1. This is a lawsuit brought by Hong Wang, to obtain naturalization by this court pursuant to 8 U.S.C. §1447(b). This court has exclusive jurisdiction to make a determination on her application, since it is more than 120 days since the United States Citizenship and Immigration Services interviewed Plaintiff. Plaintiff requests that the Court grant her

1 naturalization application, and give her the oath of citizenship. She meets all statutory
2 eligibility regulations for citizenship.

3 4 **PARTIES**

- 5 2. Plaintiff Wang is a citizen of the People's Republic of China ("China") and a permanent
6 resident since 1998. She resides in Union City, California. She is married to, and resides
7 with her husband Yaning Wang, who applied for naturalization with Plaintiff in 2003 and
8 was granted US citizenship in 2004. Plaintiff seeks an order granting her citizenship.
- 9 3. Defendant Michael Mukasey, Attorney General of the United States, has been conferred
10 the authority to naturalize persons as citizens of the United States by INA §310(a), 8
11 U.S.C. §1421(a), and is sued here in his official capacity.
- 12 4. Defendant Michael Chertoff is Secretary of the Department of Homeland Security
13 ("DHS"). As of March 1, 2003, DHS is the agency responsible for implementing the
14 Immigration and Nationality Act. Within DHS, the United States Citizenship
15 Immigration Services ("USCIS"), formerly part of the Immigration and Naturalization
16 Service, is now responsible for implementing provisions under which lawful permanent
17 residents can be naturalized and become United States citizens, in particular INA §310, 8
18 U.S.C. §1421, *et. seq.*¹ Respondent Chertoff is sued in his official capacity.
- 19 5. Defendant Emilio Gonzalez is Director of USCIS, a component of DHS. USCIS is now
20 responsible for implementing the provisions under which lawful permanent residents can
21 be naturalized and become United States citizens, in particular INA §310, 8 U.S.C.
22 §1421, *et. seq.* Defendant Gonzalez is sued in his official capacity.

23
24
25 ¹ On March 1, 2003, the INS ceased to exist and its functions were transferred to the newly formed DHS. *See*
Homeland Security Act, 116 Stat. 2135, Pub. L. 107-296 (2002). The former INS was divided into three separate
agencies, CIS, Immigration and Customs Enforcement, and Customs and Border Protection. This complaint
challenges decisions of USCIS, the component responsible for adjudicating naturalization applications.

6. Defendant Robert Mueller is the Director of the Federal Bureau of Investigation ("FBI"), a component of the Department of Justice, and is sued in his official capacity. The FBI has responsibility to complete certain name checks, security checks and other background checks for USCIS and other federal agencies.

7. Defendant Rosemary Melville is the District Director of the San Francisco District office of USCIS of the DHS, formerly the INS, and is sued here in her official capacity. Ms. Melville has been delegated authority, under 8 C.F.R. §310.2, to control all activities within the San Francisco District, including any sub offices in Alameda County, including the authority to grant or deny naturalization applications.

8. Defendant Department of Justice is the agency of the United States government that, under the direction of the Attorney General, has exclusive authority over naturalization of citizens.

9. Defendant DHS is the agency of the United States government that is responsible for implementing the citizenship provisions of the law.

10. Defendant USCIS is the component of DHS that is responsible to process the applications for citizenship of permanent residents.

11. Defendant FBI is the federal agency with responsibility to complete certain name checks, security checks and other background checks for USCIS and other federal agencies.

JURISDICTION

12. This court has jurisdiction pursuant to INA §336(b), 8 U.S.C. §1447(b), jurisdiction for hearing on naturalization in certain cases of delay; 28 U.S.C. §1331, federal question jurisdiction; 28 U.S.C. §2201, the Declaratory Judgment Act; 5 U.S.C. §701, the Administrative Procedures Act; 5 U.S.C. §552(a)(4)(B) Freedom of Information Act; and 5 U.S.C. §504, the Equal Access to Justice Act.

VENUE

13. Venue in the United States District Court, Northern California is appropriate pursuant to 8 U.S.C. §1421(c) because Plaintiff resides within the district and the administrative decisions delaying Plaintiff's application for naturalization have been caused by the Oakland office of USCIS and later, upon its closure, the San Francisco Office of the USCIS, located within this district.

STATEMENT OF THE FACTS

14. Plaintiff filed an N-400 naturalization application with filing fees on September 18, 2003 with the USCIS California Service Center, which was later transferred to the Oakland office of USCIS. Defendants fingerprinted Plaintiff on October 29, 2003. Plaintiff attended an examination for the N-400 application on April 14, 2004 at the Oakland USCIS office. Plaintiff was told she had passed the English language, history and government tests, and that she had met the residence requirements and other eligibility requirements.
15. At the February 9, 2004 examination, Plaintiff was also told that she could not be given final approval and the oath of citizenship until Defendants had completed a "security check." Defendant did not inform Plaintiff, as required by law, of the option to have this court decide her application, pursuant to 8 U.S.C. §1447(b).
16. Plaintiff has met all eligibility requirements for naturalization. She has met the residence requirements, is of good moral character, is attached to the Constitution, and has passed the English, history and government tests. She has no criminal record.
17. Plaintiff inquired of Defendants on multiple dates about the status of her application and was told it was still pending. Plaintiff contacted her Congressional Representative Tom

1 Lantos on several occasions and was also told the application was still pending. Counsel
2 has submitted requests to USCIS regarding the status of Plaintiff's case every 6-8 months
3 since 2004 and has been told repeatedly that the application is still pending. On June 20,
4 2007 counsel submitted a Freedom of Information Act ("FOIA") request on Plaintiff's
5 behalf. That request remains pending.

6 18. Plaintiff needs approval of her application because she needs a United States passport to
7 facilitate travel and wishes to exercise her unique right as a U.S. citizen to vote.

8 19. Since the date of the examination on April 14, 2004, it has been more than 3 years, 7
9 months in excess of the 120-day statutory grace period, but USCIS has not made a
10 decision on Plaintiff's application, nor has it informed Plaintiff of any deficiency in her
11 application. Defendant's delay is unconscionable.

12 20. By letters dated May 30, 2007, Plaintiff submitted FOIA a request to USCIS for "any and
13 all documents, including but not limited to all documents pertaining to continuing
14 background/security checks in regards to Form N-400, Application for Naturalization."
15 To date, Defendants have not provided the records requested by Plaintiff,
16 notwithstanding FOIA's requirement of an agency response within 10 working days. 8
17 C.F.R. §103.10(c)(1).

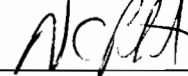
18 21. Plaintiff has exhausted all administrative remedies that are available to her. Defendants
19 have willfully and unreasonably delayed and have refused to provide Plaintiff with the
20 information requested under FOIA. Plaintiff has been and will continue to be irreparably
21 harmed because of Defendants' unreasonable delay in adjudicating Plaintiff's
22 naturalization application.

23
24 **REQUEST FOR RELIEF**

25 22. WHEREFORE, Plaintiff respectfully requests that this Court:

- 1 a) Assume jurisdiction over this matter;
- 2 b) If necessary, order that a hearing take place in this matter;
- 3 c) Review de novo and grant Plaintiff's naturalization application, and administer to
- 4 Plaintiff the oath of citizenship;
- 5 d) Direct Defendants to promptly issue to Plaintiff a Certificate of Naturalization;
- 6 e) Award reasonable costs and attorney's fees pursuant to the Equal Access to
- 7 Justice Act, and Freedom on Information Act; and
- 8 f) Grant any and all further relief this Court deems just and proper.
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Dated this 12th day of December, 2007



Norman C. Plotkin, Esq.
Attorney for Plaintiff

THE UNITED STATES OF AMERICA

Fingerprint Notification			NOTICE DATE October 01, 2003
CASE TYPE N400 Application For Naturalization			INS A# A 076 373 809
APPLICATION NUMBER WSC*001022617	RECEIVED DATE September 18, 2003	PRIORITY DATE September 18, 2003	PAGE 1 of 1
APPLICANT NAME AND MAILING ADDRESS HONG WANG c/o CLARK M TREVOR JACKSON & HERTOGS 170 COLUMBUS AVE 4 FLOOR SAN FRANCISCO CA 94133 llllllllllllllllllll			
			
To process your application, INS must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.			
APPLICATION SUPPORT CENTER INS OAKLAND 2040 TELEGRAPH AVE. OAKLAND CA 94612		DATE AND TIME OF APPOINTMENT 10/29/2003 09:00 AM	
WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING: 1. THIS APPOINTMENT NOTICE and 2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.			
PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.			
REQUEST FOR RESCHEDULING Please reschedule my appointment for the next available: <input type="checkbox"/> Wednesday afternoon <input type="checkbox"/> Saturday afternoon INS cannot guarantee the day preferred, but will do so to the extent possible. Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to: INS OAKLAND 2040 TELEGRAPH AVE. OAKLAND CA 94612 If you have any questions regarding this notice, please call 1-800-375-5283. APPLICATION NUMBER WSC*001022617			
		REPRESENTATIVE COPY 	
WARNING! <i>Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.</i>			

THE UNITED STATES OF AMERICA

Request for Applicant to Appear for Naturalization Initial Interview			NOTICE DATE February 09, 2004
CASE TYPE N400 Application For Naturalization			INS A# A 076 373 809
APPLICATION NUMBER WSC*001022617	RECEIVED DATE September 18, 2003	PRIORITY DATE September 18, 2003	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS
HONG WANG
c/o CLARK M TREVOR
JACKSON & HERTOGS
170 COLUMBUS AVE 4 FLOOR
SAN FRANCISCO CA 94133

Please come to:
USINS OAKLAND CUSA
1301 CLAY ST
ROOM 380N
MAIN ROOM
OAKLAND CA 94612

On (Date): Wednesday, April 14, 2004
At (Time): 02:15 PM

RECEIVED
FEB 19 2004
BY: _____

You are hereby notified to appear for an interview on your Application for Naturalization at the date, time, and place indicated above. **Waiting room capacity is limited. Please do not arrive any earlier than 30 minutes before your scheduled appointment time.** The proceeding will take about two hours. If for any reason you cannot keep this appointment, return this letter immediately to the INS office address listed below with your explanation and a request for a new appointment; otherwise, no further action will be taken on your application.

If you are applying for citizenship for yourself, you will be tested on your knowledge of the government and history of the United States. You will also be tested on reading, writing, and speaking English, unless on the day you filed your application, you have been living in the United States for a total of at least 20 years as a lawful permanent resident and are over 50 years old, or you have been living in the United States for a total of 15 years as a lawful permanent resident and are over 55 years old, or unless you have a medically determinable disability (you must have filed form N648 Medical Certification for Disability Exception, with your N400 Application for Naturalization).

You MUST BRING the following with you to the interview:

- This letter.
- Your Alien Registration Card (green card).
- Any evidence of Selective Service Registration.
- Your passport and/or any other documents you used in connection with any entries into the United States.
- Those items noted below which are applicable to you:

If applying for NATURALIZATION AS THE SPOUSE of a United States Citizen:

- Your marriage certificate.
- Proof of death or divorce for each prior marriage of yourself or spouse.
- Your spouse's birth or naturalization certificate or certificate of citizenship.

If applying for NATURALIZATION as a member of the United States Armed Forces:

- Your discharge certificate, or form DD 214.

If copies of a document were submitted as evidence with your N400 application, the originals of those documents should be brought to the interview.


PLEASE keep this appointment, even if you do not have all the items indicated above.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

INS Office Address:
US IMMIGRATION AND NATURALIZATION SERVICE
630 SANSOME ST
SAN FRANCISCO CA 94111-

INS Customer Service Number:
(800) 375-5283

REPRESENTATIVE COPY



U.S. Department of Homeland Security
San Francisco, CA 94111



**U.S. Citizenship
and Immigration
Services**

JEFFREY J. RUMMEL, ESQ.
170 COLUMBUS AVENUE, FOURTH FLOOR
SAN FRANCISCO CA 94133-5160

File No. A076 373 809
App Id: WSC*001022617
Date: July 7, 2004
Officer: OKL/CB/KJ

RE: HONG WANG

Re: Pending N-400 for Background Check

This is in response to your recent inquiry. A review of your application shows that your Form N-400, Application for Naturalization, is still pending for the completion of all necessary background checks. Unfortunately a decision on your application cannot be made until all required security checks have been completed. All cases pending for security checks are regularly reviewed for any new cases that have cleared. We apologize for the delay and request your cooperation and patience in waiting for these important checks to be completed.

Thank you for your cooperation and patience.

U.S. Citizenship and Immigration Services
1301 Clay Street, Room 380N
Oakland, California 94612-5217.

TO SERVE YOU MORE EFFICIENTLY we are replying to your inquiry by informal notation. This informal method enables a more prompt response. We trust you will agree that a faster response is more important than formality. No record has been made of this correspondence and should you write again concerning the same matter, please return the attached correspondence.

July 16, 2004

jeffrey j. rummel

In response to your inquiry dated 06 -18-2004. At this your client is still pending the FBI background check. I am not sure if the officer explained to you and your client but we are unable to determine how long you will have to wait. The checks are done by an out of state office and we only can check by computer if you are clear or still pending. So please be patient with this procedure. As soon your client clears he will be notified by mail for his Oath taking.

JEFFREY J. RUMMEL
170 COLUMBUS AVE 4TH FLOOR
SAN FRANCISCO, CA 94133-5160
RE: HONG WANG

A76373809

UNITED STATES DEPARTMENT OF JUSTICE, Immigration and Naturalization Service
M-180 (Rev. 10-15-75)Y (OAK/M180 03-15-96)

1301 Clay Street, Room 380-N
Oakland, California 94612-5217

EXHIBIT #4

U.S. Department of Homeland Security
San Francisco, CA 94111



**U.S. Citizenship
and Immigration
Services**

52800
JEFFREY J. RUMMEL
170 COLUMBUS AVENUE 4TH FL.
SAN FRANCISCO, CA 94133-5160
RE: HONG WANG

File No. A076373809

App Id:

Date: Oct. 20, 04

A Note to Our Applicants Regarding National Security Checks:

A final Decision cannot be made on any application for naturalization until national security checks are complete and the local US CIS office receives a response.

This process can take many months. Authorities in the Washington D.C. area complete the checks and this office has no control over the pace of their completion. **In fact, it is not unusual for the checks to take well over six months.**

It is important to understand that your case is not the only one. At any given time, there are many hundreds of this office's cases pending due to national security checks and that a significant portion of the checks take more than six months. Cases with pending security checks are queried every week to ensure that those that have cleared are acted on in a timely manner.

I thank you for your patience and, with this information in mind, I ask that you wait at least 120 days from the date of your interview before making any inquiries into the status of your case. This will help us use our personnel more efficiently to complete cases rather than diverting them to answer premature status inquiries.

I note that you were interviewed on _____ for naturalization.

Sincerely,

A handwritten signature in black ink, appearing to read "David N. Still", written over a horizontal line.

David N/ Still
District Director

Lori Santos

52800

Sect. 1/LEFT

From: SFR, NATZ [NATZ.Sfr@dhs.gov]
Sent: Monday, November 15, 2004 9:10 AM
To: Lori Santos
Subject: Re:A076373809/WSC001022617/WANG, Hong

Hong Wang's application continues to be pending awaiting completion of FBI background checks. These files are regularly reviewed and you will be notified when the results have been received

San Francisco Naturalization Response Team/rn

Reply Separator

Subject: A076373809/WSC001022617/WANG, Hong
Author: "Lori Santos" <SMTP:lsantos@jackson-hertogs.com>
Date: 11/2/2004 7:34 PM

INQUIRY INFORMATION

Name of individual making inquiry: Atessa Chehrazi

Relationship to the application or petition: Attorney of Record

Phone: 415-986-4559

Fax: 415-986-1871

E-mail: achehrazi@jackson-hertogs.com

A file: A076373809

Form type: N-400

Please explain your question or concern:

APPLICANT: WANG, Hong

STATUS INQUIRY: Case is more than 120 days beyond the interview date.

Please
advise of the status of this case.

All immigrants and nonimmigrants (except A & G nonimmigrants) are legally obligated to notify USCIS of any changes of address within 10 days. Persons from certain countries are also required to notify USCIS when there are changes in school or employment and also to register with USCIS periodically, and upon admission and departure. Please see our website or the USCIS website under change of address and special registration.

Lori Santos

Legal Assistant

JACKSON & HERTOGS

170 Columbus Avenue, Fourth Floor

San Francisco, CA 94133-5160

Lori Santos

52800

From: SFR, NATZ [NATZ.Sfr@dhs.gov]
Sent: Tuesday, March 08, 2005 11:42 AM
To: Lori Santos
Subject: Re:A076373809/WSC001022617/WANG, Hong

See 1st

Atessa Chehrazi-

Hong Wang's application continues to be pending awaiting completion of FBI background checks. These files are regularly reviewed and you will be notified when the results have been received.

San Francisco Naturalization Response Team/rn

Reply Separator

Subject: A076373809/WSC001022617/WANG, Hong
Author: "Lori Santos" <SMTP:lsantos@jackson-hertogs.com>
Date: 3/4/2005 7:12 PM

INQUIRY INFORMATION

Name of individual making inquiry: Atessa Chehrazi

Relationship to the application or petition: Attorney of Record

Phone: 415-986-4559

Fax: 415-986-1871

E-mail: <mailto:achehrazi@jackson-hertogs.com>
achehrazi@jackson-hertogs.com

A file: A076373809

Form type: N-400

Please explain your question or concern:

APPLICANT: WANG, Hong

STATUS INQUIRY: Case is more than 10 months beyond the interview date.
Please
advise of the status of this case.

All immigrants and nonimmigrants (except A & G nonimmigrants) are legally obligated to notify USCIS of any changes of address within 10 days. Persons from certain countries are also required to notify USCIS when there are changes in school or employment and also to register with USCIS periodically, and upon admission and departure. Please see our website or the USCIS website under change of address and special registration.

Lori Santos

Legal Assistant

JACKSON & HERTOGS

170 Columbus Avenue, Fourth Floor

San Francisco, CA 94133-5160

-----Original Message-----

From: SFR, NATZ [mailto:NATZ.Sfr@dhs.gov]
Sent: Wednesday, May 18, 2005 5:39 AM
To: May Chau
Subject: Re:A076373809/WSC001022617/WANG, Hong

May Chau-

Hong Wang's application continues to be pending completion of FBI background checks. These files are regularly reviewed and you will be notified when the results have been received.

San Francisco Naturalization Response Team/rn

Reply Separator

Subject: A076373809/WSC001022617/WANG, Hong
Author: "May Chau" <SMTP:MChau@jackson-hertogs.com>
Date: 5/17/2005 12:11 PM

Dear Officer: We are following up the case status on behalf of our client, Hong Wang. Your update is very much appreciated. Thank you very much.

May Chau

From: Lori Santos
Sent: Friday, March 04, 2005 4:13 PM
To: 'natz.sfr@dhs.gov'
Cc: Atessa Chehrazi
Subject: A076373809/WSC001022617/WANG, Hong

INQUIRY INFORMATION

Name of individual making inquiry: Atessa Chehrazi

Relationship to the application or petition: Attorney of Record

Phone: 415-986-4559

Fax: 415-986-1871

E-mail: <mailto:achehrazi@jackson-hertogs.com>
achehrazi@jackson-hertogs.com

A file: A076373809

Form type: N-400

Please explain your question or concern:

APPLICANT: WANG, Hong

STATUS INQUIRY: Case is more than 10 months beyond the interview date.
Please advise of the status of this case.

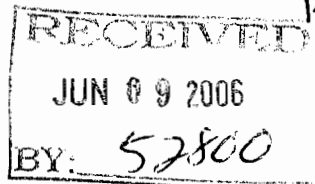
All immigrants and nonimmigrants (except A & G nonimmigrants) are legally

EXHIBIT #8

U.S. Department of Homeland Security
San Francisco, CA 94111



**U.S. Citizenship
and Immigration
Services**



HONG WANG
47 ROSLYN AVENUE
SAN CARLOS CA 94070

File No. A76 373 809
App Id: WSC*001022617
Date: 06/07/2006cw
Officer:

Re: Clark Trevor, Esq.

Re: Pending N-400 for Background Check

This is in response to your recent inquiry. A review of your application shows that your Form N-400, Application for Naturalization, is still pending for the completion of all necessary background checks. Unfortunately a decision on your application cannot be made until all required security checks have been completed. All cases pending for security checks are regularly reviewed for any new cases that have cleared.

We apologize for the delay and request your cooperation and patience in waiting for these important checks to be completed. Please refer to the attached Immigration Fact Sheet for additional information on the importance of security background checks.

Any future inquiries for cases pending outside normal processing times should be directed to the National Customer Service Center at 1-800-375-5283.

Thank you.

U.S. Citizenship and Immigration Services
630 Sansome Street
San Francisco CA 94111

16:59:49

Subject: Pending Name Security Check
Sent: 06/09/2006 @ 16:59:46 Pacific
From: Chau, May (FIRM)
Recipients: File: Wang, Yaning (FN)
Sent via E-Mail: FBINNCP@ic.fbi.gov ahehrazi@Jackson-Hertogs.com
Enclosures: None

Message

Name: WANG, Hong
DOB: 12/29/1966
A#: A76 373 809

Attn.: Michael A. Cannon/gmg
Chief, National Name Check
Program Section
Records Management Division

Dear Chief Cannon,

Our office is representing the above named individual with her naturalization petition. Per the US CIS, the 'name security check' for the above described individual is still pending with your office and has been pending for over one year now. CIS cannot adjudicate this case until they receive the results of this name security check. We are hoping to receive some information from your office in this regard.

Thank you in advance for your prompt response and attention to this matter.

Regards,

May Chau

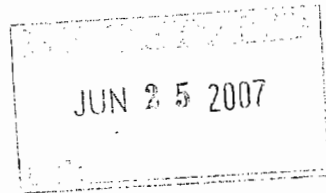
All immigrants and nonimmigrants (except A & G nonimmigrants) are legally obligated to notify USCIS of any changes of address within 10 days. Persons from certain countries are also required to notify USCIS when there are changes in school or employment and also to register with USCIS periodically, and upon admission and departure. Please see our website or the USCIS website under change of address and special registration.

JACKSON & HERTOGS
170 Columbus Avenue, Fourth Floor
San Francisco, CA 94133-5160

415-986-4559 voice
415-986-1871 fax
Toll Free Number 1-800-780-2008
mchau@jackson-hertogs.com
<http://www.jackson-hertogs.com>

CONFIDENTIALITY NOTICE: E-mail may contain confidential information that is legally privileged. Do not read this e-mail if you are not the intended recipient. This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify us by reply e-mail or by telephone at 415-986-4559 and destroy the original transmission and its attachments without reading or saving in any manner.

EXHIBIT #10

U.S. Citizenship
and Immigration
Services

June 20, 2007

NRC2007042411

Atessa Chehrazai
Jackson and Hertogs
170 Columbus Ave., 4th Floor
San Francisco, CA 94133

Dear Atessa Chehrazai:

We received your request for information relating to Wang, Hong on June 20, 2007.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. 552). It has been assigned the following control number: NRC2007042411. Please cite this number in any further inquiry about this request.

In accordance with Department of Homeland Security Regulations (6 CFR 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. With this system we consider each request according to the complexity and volume so that requesters with a simple and quick response do not wait for extended periods of time while we review complex voluminous requests. Because of the nature of your request we have placed your request on the complex track. Since your request is on the complex track, you may wish to modify it to identify a specific document(s), the exact information sought, and location if known. Upon receipt, we will reconsider your request for eligibility for the faster track.

This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. **Attorneys automatically receive CDs, unless they contact us to request paper copies. Once an attorney has requested paper copies, all future responsive records will be provided via paper – there is no need to call again.** For individuals (i.e. non-attorneys) please call our office at (816) 350-5570 to order your record on CD. Once you request your records on either CD or paper, all future records will be furnished in the format you have requested.

If you have further questions, please address your inquiry to this office, Attention: FOIA/PA Officer. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Cejka". The signature is fluid and cursive, with the first letter of the last name being a large capital 'C'.

T. Diane Cejka
Director

Ilana J. Drummond
 Norman C. Plotkin *
 Atessa Chehrazhi
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May 30, 2007

7004 2510 0000 6624 4289

National Record Center (NCR)
 P.O. Box 648010
 Lee's Summit, MO 64064-8010

Re: Hong Wang (DOB 12/29/1966), A #: A076373809

Dear FOIA Officer:

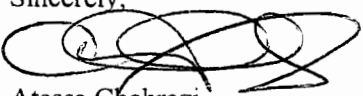
Attached on Form G-639 is a combined FREEDOM OF INFORMATION ACT REQUEST and PRIVACY ACT REQUEST for our above-referenced client. Also attached is our executed Form G-28, Notice of Entry of Appearance as Attorney of Record. Kindly advise this office of any further requirements and forward a copy of requested relevant documents to our office at your earliest convenience.

Please note that this FOIA/PA request is being filed due to the fact that our client's Form N-400 naturalization application has been pending with the USCIS in excess of 120 days, in violation of the Immigration and Nationality Act at INA 336(b), as well as the Service's own regulations at 8 C.F.R. 310.5(a), which state specifically that "*an applicant for naturalization may seek judicial review of a pending application for naturalization in those cases where the Service fails to make a determination... within 120 days after an examination is conducted.*"

Our client's naturalization interview was conducted on April 14, 2004, over 3 years ago, but her application could not be approved due to pending background checks. The Service responded to our inquiries on the pending naturalization application in July 2004, October 2004, March 2005, May 2005, and June 2006, to confirm that the background checks have not cleared.

Please respond to this FOIA/PA request as soon as possible given the possibility that federal court action may be necessary in order to secure final action on our client's naturalization application. Thank you for your attention to this request.

Sincerely,


 Atessa Chehrazhi
 Attorney at Law
 AC/kvs

Encl.

cc: Hong Wang